

04/27/05



DAC
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R.1.10, Mailing Label No. EV336035115US and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: April 25, 2005


Wilburn Liddell, Jr.

PATENT
612407-27 (M12324)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KWON et al.

Serial No.: 10/020,344

Filed: December 11, 2001

Title: INCREASING HYDROGEN
ADSORPTION OF NANOSTRUCTURED
STORAGE MATERIALS BY MODIFYING SP2
COVALENT BONDS

Art Unit: 1754

Examiner: Wayne A. Langel

PETITION TO REVIVE

Commissioner for Patents
P.O. 1450
Alexandria, VA 22313-1450

04/28/2005 HAHNED1 00000010 10020344

01 FC:2453

750.00 DP

Sir:

Pursuant to 37 C.F.R. § 1.137(b), Applicants respectfully petition to revive the above-identified patent application due to unintentional failure to submit a timely response to the Office Action dated August 16, 2004. A reply to the Office Action is submitted herewith.

A copy of the Change of Correspondence Address and Transmittal of Revocation/Appointment of Power of Attorney and Power of Attorney by Assignee as filed in the United States Patent & Trademark Office on June 22, 2004 is attached. The Patent and Trademark Office mailed the Office Action dated August 16, 2004 to the prior correspondence address, and Applicants therefore never received any notice of it.

Serial No. 10/020,344
April 25, 2005
Page 2

Applicants were not provided with a copy of the Office Action in this case until March 16, 2005. Applicants respectfully submit that in view of the foregoing, the entire delay in prosecution of this case was unavoidable. To expedite examination of this case and avoid any delay that might arise from a disagreement as to whether the abandonment was unavoidable or unintentional, Applicants have submitted this petition under C.F.R. § 1.137(b). Applicants nonetheless respectfully request that this petition be treated as a petition under C.F.R. § 1.137(a) (unavoidable abandonment), to the extent that it qualifies as such on the facts stated above.

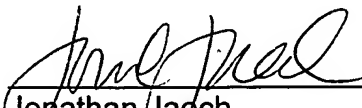
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Enclosed is a check for \$750.00 to cover the filing fees for revival. Also, the Commissioner of Patents is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 60-0639.

A duplicate copy of this paper is also enclosed.

Respectfully submitted,

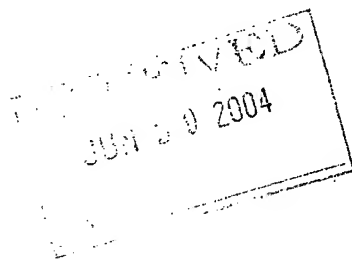
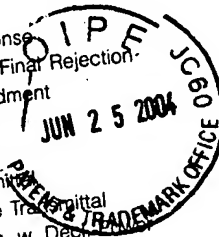
Date: April 25, 2005


Jonathan Jaech
Attorney for Applicants
Registration No. 41,091

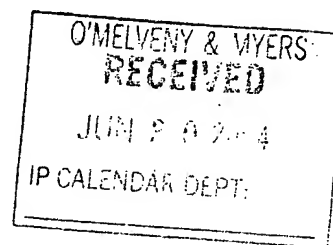
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: (213) 430-6000

Enclosures: Change of Correspondence Address, etc., dated June 22, 2004
Response to August 16, 2004 Office Action

Serial No.: 10/ORD. 344 Attorney: BRIAN M. BERLINER Mailing Date: 6-22-2004
 Client: NANO MIX, INC Our Ref. No.: 612407-27
 Title/Mark: _____
 Applicant(s): KWON ET AL
 The following, due _____ in the U.S. Patent & Trademark Office, was received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:
☐ Patent Application, Including: _____ Amendment/Response
☐ Pages of Specification, Including: _____ Amendment After Final Rejection
☐ Claims and Abstract _____ Preliminary Amendment
☐ Drawings _____ Sheet(s) _____ Notice of Appeal
☐ Combined Decl./Power of Atty _____ Appeal Brief
☒ Transmittal Letter Change of Correspondence Address and Transmittal Issue Fee Transmittal
☐ Power of Attorney by Assignee _____ Maintenance Fee Transmittal
☐ Assignment with Form PTO 159 _____ Trademark Appln. w. Declaration
☐ Small Entity Status Form _____ Trademark Statement of Use
☐ Priority Document(s) _____ TM Renewal Appln. w. Fee
☐ Petition for Extension of Time _____ Check No. _____ for \$ _____
☐ IDS w/Form PTO 1449 _____
☐ _____ cited refs. _____
1st CERTIFICATE OF MAILING/EXPRESS MAIL NO. _____



O'Melveny & Myers LLP
 File: 612407-27
 Action Item: _____
 Date Due: _____
 Critical Date: _____
 Attorney: BMB/MM
 Date: CR 7/1/04
7/2/04





Serial No.: 10/030,344 Attorney: BRIAN M. BERLINER Mailing Date: 6-22-2004
Client: NANO MIX, INC Our Ref. No.: 612407-27
Title/Mark: _____
Applicant(s): KUON ET AL
The following, due _____ in the U.S. Patent & Trademark Office, was received in
the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:
____ Patent Application, Including: _____ Amendment/Response
____ Pages of Specification, Including: _____ Amendment After Final Rejection
____ Claims and Abstract _____ Preliminary Amendment
____ Drawings _____ Sheet(s) _____ Notice of Appeal
____ Combined Decl./Power of Atty _____ Appeal Brief
☒ Transmittal Letter Change of Correspondence Address and Transmittal Issue Fee Transmittal
____ Power of Attorney by Assignee _____ Maintenance Fee Transmittal
____ Assignment with Form PTO 1592 _____ Trademark Appln. w. Decl.-Power
____ Small Entity Status Form _____ Specimens
____ Priority Document(s) _____ Trademark Statement of Use
____ Petition for Extension of Time _____ Appointment of _____ TM Renewal Appln. w. Fee
____ IDS w/Form PTO 1449 _____ Power of Attorney _____ Check No. _____ for \$ _____
1st _____ cited refs. _____
____ CERTIFICATE OF MAILING/EXPRESS MAIL NO. _____

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 22, 2004

Alice Sutanandi
Alice Sutanandi



PATENT
612407-27 (M12324)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KWON et al.

Serial No.: 10/020,344

Filed: December 11, 2001

Title: INCREASING HYDROGEN

ADSOPTION OF NANOSTRUCTURED

STORAGE MATERIALS BY MODIFYING SP2

CONVALENT BONDS

Art Unit: 1754

Examiner: Wayne A. Langel

CHANGE OF CORRESPONDENCE ADDRESS AND
TRANSMITTAL OF REVOCATION/APPOINTMENT OF POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Effective immediately, the new correspondence address and telephone number for the above-referenced patent application is as follows:

Brian M. Berliner, Esq.
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Telephone: 213-430-6000

Enclosed is an executed Revocation/Appointment Of Power Of Attorney for filing in the above-identified patent application. Please also note the change in the attorney docket number to 612407-27.

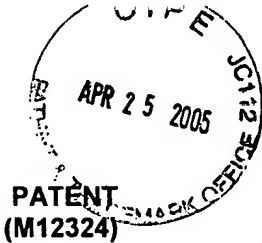
Respectfully submitted,

Date: June 22, 2004

BMB

Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

O'MELVENY & MYERS LLP
400 So. Hope Street
Los Angeles, CA 90071-2899
Telephone: 213-430-6000
LA2:724484.1



PATENT
612407-27 (M12324)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicants: Young-Kyun Kwon, Seung-Hoon Jhi, Keith Bradley, Philip G. Collins, Jean-Christophe P. Gabriel, George Grüner, Marvin Cohen, Steven Louie and Alex Zettl

Serial No.: 10/020,344

Filed: December 11, 2001

Title: INCREASING HYDROGEN ADSORPTION OF NANOSTRUCTURED STORAGE MATERIALS
BY MODIFYING SP2 COVALENT BONDS

REVOCATION/APPOINTMENT OF POWER OF ATTORNEY

NANOMIX, INC., a corporation of the State of California, having become the owner of all rights in and to the above-identified patent application by virtue of an Assignment executed by the inventors (copy attached), hereby revokes all previous powers of attorney and hereby appoints in their stead:

- Brian M. Berliner, Registration No. 34,549
- Jonathan A. Jaech, Registration No. 41,091
- Todd E. Fitzsimmons, Registration No. 44,683
- Peter C. Hsueh, Registration No. 45,574
- Ryan K. Yagura, Registration No. 47,191

as attorney(s) and/or agent(s) of to prosecute said application and to transact all business in the U.S. Patent and Trademark Office in connection therewith and before competent International Authorities.

Please change the correspondence address and direct all future correspondence to:

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Attn: Brian M. Berliner, Esq.
Telephone: 213-430-6000

IN ACCORDANCE WITH 37 C.F.R. § 3.73, THE ASSIGNEE HEREBY CERTIFIES THAT THE EVIDENTIARY DOCUMENTS WITH RESPECT TO ITS OWNERSHIP HAVE BEEN REVIEWED AND THAT, TO THE BEST OF THE ASSIGNEE'S KNOWLEDGE AND BELIEF, TITLE IS IN THE ASSIGNEE SEEKING TO TAKE THIS ACTION.

DATED: 06-18-2004

NANOMIX, INC.

By: 
Name: David Macdonald
Title: President